

REPORT ON CERTIFICATION THAT THE TRANSPORTATION PLANNING PROCESS COMPLIES WITH APPLICABLE FEDERAL LAWS AND REGULATIONS

2014

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Reviews: Metropolitan Planning Organization (MPO)
Technical Committee and Officials Committee

BACKGROUND

In accordance with 23 United States Code (U.S.C.) Sec. 134 - Metropolitan transportation planning, 23 CFR Part 450.334(a), and the *Moving Ahead for Progress in the 21st Century* (MAP-21) Act, the Lincoln Metropolitan Planning Organization (MPO) and the Nebraska Department of Roads (NDOR) are to certify that the transportation planning process is addressing the major issues in the Metropolitan Planning Area and is being conducted in accordance with all applicable federal requirements. The purpose of an annual report is to document the MPO certification criteria and actions in fulfilling Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) regulations.

COMPLIANCE EVALUATION

The following are the applicable federal laws and regulations for which the transportation planning process is to comply. FHWA and FTA has oversight responsibilities on the planning process and determines, through appropriate and independent reviews, that the planning process conforms to applicable federal laws and regulations prior to approval of federal aid FHWA and FTA – highway, transit, and other transportation projects.

(1) Section 134 of title 23 USC and Section 5303 of title 49 USC - requires a continuing, cooperative, and comprehensive transportation planning process and consideration of all modes of transportation.

The Lincoln MPO collaborates with local, state and public transportation agencies to carry out a continuous, cooperative, and comprehensive(3C) metropolitan planning process for the Lincoln Metropolitan Planning Area through its Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP), Unified Planning Work Program (UPWP), and other transportation planning activities for the Lincoln Planning Area.

(1) The Federal Transit Act (Section 5303 of title 49 USC) requires nondiscrimination on the basis of handicap in programs and activities receiving or benefitting from Federal financial assistance and participation by minority business enterprise in transportation programs.

StarTran, the public transportation provider in Lincoln, is a division of the City of Lincoln Public Works and Utilities. A number of semi-public and private service providers also provide special transportation services to the general public and/or clients. StarTran contracts with a local private

transportation provider to afford StarTran a supplement to the Handi-Van Program to accommodate service requests from eligible clients.

The StarTran portion of the draft *FY 2015-2018 Transportation Improvement Program* (TIP) was forwarded to local and national private-for-profit operators to provide notice of proposed transportation plans and programs and to provide an opportunity for private operators to review and comment on the proposals and propose privately operated services for Lincoln's transit program. The City of Lincoln encourages private sector participation in the planning process, the provision of services, and the promotion of more economical service alternatives.

Job Access and Reverse Commute and New Freedom Programs. As a result of provisions in MAP-21, the Job Access and Reverse Commute (5316) and New Freedom (5317) programs have been folded into two other existing programs, the Urbanized Area Formula Grants (5307) and Enhanced Mobility of Seniors and Individuals with Disabilities (5310) programs. The established programs are intended to be supported within the Section 5307 and Section 5310 programs.

(2) Sections 174 and 176c) and (d) of the Clean Air Act, as amended (42 USC 7504, 7506c) and (d)) and 40 CFR part 93, which requires the joint preparation of an implementation plan to address attainment of air quality standards determined to have not been met.

Since February of 1989, the Lincoln metropolitan area has been designated by U.S. EPA as being in attainment or unclassifiable for all the National Ambient Air Quality Standards (NAAQS). An ambient air quality monitoring program, operated by the Lincoln-Lancaster County Health Department's (LLCHD) Air Quality Program, monitoring, particulate matter less than or equal to 2.5 microns in diameter (PM_{2.5}), and ozone has been in place for many years. In FY 2011-2012 monitoring for carbon monoxide was discontinued due to monitored levels being safely below the NAAQS for carbon monoxide. In addition to monitoring activities, LLCHD's Air Quality Program also conducts periodic computer modeling exercises to quantify transportation related air emissions. LLCHD continues to monitor ambient air for PM_{2.5} and Ozone. Data is recorded and reviewed to assess the impact of emissions from mobile sources. A comprehensive emission inventory is conducted on a regular basis using standard EPA-approved models and emission calculation methods. The LLCHD works with the Lincoln-Lancaster County Planning Department, the Public Works and Utilities Department and the Nebraska Department of Roads to understand and quantify emissions related to the local transportation system.

(3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1), 49 CFR part 21; and (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity; and (6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts; and (8) The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance; and (9) the Title VI assurance executed by each State under Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

The Lincoln MPO's *Public Participation Plan* together with the MPO Management Plan, *Unified Planning Work Program* and *Environmental Justice Action Strategy* ensures that no person will be excluded from participation in the planning process and in the development of plans and programs.

Public Participation Plan. The updated Public Participation Plan (PPP), designed to meet the requirements of 23 CFR §450.316, was initiated in 2009 and included stakeholder and public review, incorporated FHWA Comments into the draft and all comments were taken into consideration for the final plan. The PPP was adopted by the MPO on November 16, 2010. The Public Participation Plan was amended on February 20, 2014 in accordance with federal regulations to reflect the adopted *Limited English Proficiency (LEP) Program Plan* of the City of Lincoln and to clarify the MPO *Accommodations Policy* to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

Long Range Transportation Plan. The Lincoln MPO *Long Range Transportation Plan and Technical Documentation* was adopted by the Lincoln MPO on December 1, 2011. This includes specific plans for the Lincoln Area Pedestrian, Bicycle and Trails Facilities; Future Urban Street and Road Network Plans which include the Functional Street and Road Classifications, Urban Area Street Improvements, and County Road Improvements; a Goods and Freight Movement Plan; and generalized plans for Public Transportation, Railroads, and Airports and Airfields. The Plan also contains an Intelligent Transportation Systems element and a Transportation Systems Management Strategy.

(5) Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects.

The City of Lincoln-StarTran maintains the Disadvantaged Business Enterprise Program that was submitted to FTA in 2014 that includes the Small Business Utilization elements and continues to meet the requirements of the Federal Transit Administration. The City of Lincoln-StarTran DBE program meets the requirements of the Department of transportation regulations and the annual update requirements.

(7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and U.S. DOT regulations "Transportation for Individuals with Disabilities" (49 CFR parts 27, 37, and 38), which call for special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons.

The City of Lincoln has an Equal Employment Policy (Lincoln City Municipal Code: Chapter 11.08) that prohibits discrimination on the basis of race, color, creed, or national origin, and prohibits discrimination of age, non-job related physical or mental disability and gender. This policy along with the MPO Public Participation Plan and Environmental Justice Action Strategy ensures that "particular attention will be given to impacts upon specific identifiable minority groups in relationship to Title VI of the Civil Rights Act 1964, and Title VIII of the Civil Rights Act of 1968, and ensures that no person will be excluded from participation in the planning process and the development of plans and programs. To date, the City of Lincoln / StarTran meets all requirements of the ADA and is in full compliance.

Public Participation Process - The city has an established citizen review and participation program in which contracts have been executed between the City of Lincoln and the League of Human Dignity, Inc. "for the provision of an appeals mechanism and mechanism for continuing public participation in relation to the special transportation programs for the handicapped of StarTran."

Pedestrian Facilities Plan for ADA Compliance. The City of Lincoln underwent an investigation for compliance with the *American with Disabilities Act* in meeting the requirement for installation of

curb ramps at existing pedestrian walkways. The City of Lincoln hosted Civil Rights Training for staff, established quality assurance training and developed a Pedestrian Master Planning document that is under review.

Appropriate requirements of the February 14, 2007 Federal Register (Vol. 72, No. 30), Final Rules and Regulations (23 CFR Part 450 and 49 CFR Part 613) of SAFETEA-LU (Pub. L. 109-59):

- Designation of a Metropolitan Planning Organization (MPO) with representation by principal elected officials

The State of Nebraska designated the City of Lincoln as the Metropolitan Planning Organization (MPO) on March 22, 1974. A Memorandum of Understanding was executed between the city, county, state, and Planning Commission, in cooperation with the FHWA and FTA, concerning transportation planning in the Lincoln Metropolitan Area. The cooperating agencies agreed to proceed in accordance with provisions for the transportation planning process as identified in appropriate federal laws and regulations and as documented in the Lincoln MPO Management Plan (adopted September, 2009).

An updated Memorandum of Agreement was adopted by the MPO (February 28, 2013) and NDOR (April 13, 2013) to better define the specific roles and responsibilities of both agencies in cooperatively carrying out the metropolitan transportation planning 3-C planning process.

- Description and documentation of anticipated expenditure of urban transportation planning funds, with MPO endorsement

The *FY 2013-2014 Lincoln-Lancaster County Unified Planning Work Program (UPWP)* includes descriptions of anticipated expenditures of urban transportation planning funds including FTA Sections 5303 and 5307 funds and FHWA/State PL Funds. The UPWP provides detailed descriptions of the planning products, including time frames, activity costs, funding sources, activity support and deadlines when deliverable products can be expected. Revisions to the UPWP are incorporated to include the changes to planning work activities as needed. This program was approved by the Officials Committee and endorsed by the MPO.

- Transportation plan describing policies, strategies and facilities or changes in facilities, with analysis of transportation system management strategies to make more efficient use of existing transportation systems; as endorsement of the transportation plan by the MPO

The Lincoln MPO *Long Range Transportation Plan and Technical Documentation* was adopted by the Lincoln MPO on December 1, 2011. This includes specific plans for the Lincoln Area Pedestrian, Bicycle and Trails Facilities; Future Urban Street and Road Network Plans which include the Functional Street and Road Classifications, Urban Area Street Improvements, and County Road Improvements; a Goods and Freight Movement Plan; and generalized plans for Public Transportation, Railroads, and Airports and Airfields. The Plan also contains an Intelligent Transportation Systems element, and a Transportation Systems Management Strategy. The plan reflects road improvement types according to specific street design standards, identifying the number of lanes and the right-of-way required for a proposed improvement. The current *Transportation Plan* was reviewed at a series of public hearings by the Lincoln-Lancaster Planning Commission.

- Transportation Improvement Program with MPO endorsement

The *FY 2014-2017 Lincoln-Lancaster County Transportation Improvement Program* (TIP) had Public Hearing at the Lincoln-Lancaster Planning Commission, was recommended by the MPO Technical Committee and MPO Officials Committee approval and MPO endorsement on June 4, 2013.

The draft *FY 2015-2018 TIP* is in the process of being reviewed and acted upon in conjunction with this MPO self-certification process. The MPO Technical Committee and Officials committee reviews are expected to be completed by June 5, 2014.

A *Project Prioritization and Selection Process* was adopted February 28, 2013 that describes the local transportation planning process for selecting and programming projects in the TIP that are proposed for funding with federal dollars or require federal action. The project selection process brings together the LRTP and TIP during the annual review of projects for the purpose of coordinating priorities in programming projects.

- Certification by the MPO and the State that the planning process is being carried on in conformance to appropriate Federal laws and regulations

FHWA/FTA Joint TMA Review. The federal Quadrennial Certification Review of the Lincoln MPO was conducted by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on May 7th, 8th and 9th, 2013. The final report of the “FHWA/FTA Joint Certification Review of the Lincoln Metropolitan Planning Organization” was transmitted to the Lincoln MPO on September 26, 2013. The result of this Certification Review concluded a full resolution of the twelve (12) corrective actions from 2009. The current review includes five (5) commendations, thirteen (13) programmatic recommendations and no corrective actions. In accordance with 23 CFR 450.334, the FHWA/FTA review team jointly certified the Lincoln metropolitan area transportation planning process is meeting required provisions of Federal laws and certified the MPO planning process through September 30, 2017.

MPO Self-Certification Review. In accordance with 23 U.S.C. Sec. 134 - Metropolitan transportation planning, 23 CFR Part 450.334(a), the Nebraska Department of Roads and Lincoln Metropolitan Planning Organization certify that the transportation planning process is addressing the major issues in the Metropolitan Planning Area and is being conducted in accordance with all applicable Federal laws and regulations.

RECOMMENDATION:

As a result of the above compliance evaluation, the MPO staff recommendation is that the Lincoln Metropolitan Planning Organization endorse this compliance evaluation report and certify that the Transportation Planning Process for the Lincoln MPO Planning Area is substantively meeting the requirements of 23 U.S.C. Sec. 134 - Metropolitan transportation planning, 23 CFR Part 450.334(a), *Self-Certifications and Federal Certifications*, as published in Federal Register.